

APPROVED: Meeting No. 14-81

ATTEST: *William E. Hanna, Jr.*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 10-81

April 13, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville Maryland on Monday April 13, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Roger Titus; Assistant City Manager Daniel Hobbs; Assistant City Attorney Paul Glasgow; Chief of Police Jared Stout; Director of C.D.H.A. Douglas Horne; Director of Finance John Lawton; Information Officer Sue M. Patterson; Director of Planning James M. Davis; Budget Officer Anna Lee Berman.

Re: City Manager's Report

Mr. Hobbs reported the following:

1. On March 30, the City accepted six proposals from computer systems vendors. Staff is now in the process of evaluating the proposals and should have a recommendation to the Council in early June.
2. A building permit was issued on March 30 to Danac for the construction of a 56,145 square foot building at 2092 Gaither Road in Rockville at a cost of \$1.6 million.
3. Today is the last day of the 1981 Session of the Maryland General Assembly. The Maryland Municipal League staff will be closely monitoring all activities in both the House and Senate until midnight tonight. Councilmembers Freeland and Tyner were quite active this year in the State lobbying effort and may have additional information.
4. Last week the Montgomery County School Board Superintendent recommended several school closings for 1981. Of most interest to the citizens of Rockville is the closure of Broome Junior High School. Public Hearings on the closings are scheduled for May 5 and 7. Councilman Abrams previously represented the City testifying on Rockville's involvement in the school closing process. There will

be a Broome PTA community meeting on Tuesday evening, April 14 in the Broome cafeteria.

Councilman Freeland reported that in this year's legislative session, the Maryland Municipal League started with four bills and then added one. Two of the bills represented increased dollars to municipalities. Both of them passed which represents \$90,000 in additional funding. One of the others was municipal infractions which gives the City a leverage in its administrative powers and the fourth bill reaffirmed the fee setting powers for licenses and permits. The duplicate taxation bill did not pass. Councilman Freeland expressed his gratitude to the staff in Annapolis for their unending work.

Mayor Hanna noted that Councilman Freeland is president of the Maryland Municipal League and Councilman Tyner is president of the Montgomery County Chapter. They spent their time and gave outstanding service to the entire legislative program. Councilman Tyner commented that the 135 municipalities in the state pulling together, help to bring about the success. Councilwoman Fordham expressed the City's gratitude to the members of the delegation in Annapolis, Delegate David Scull who worked with the City on permit fees and Delegate Jennie Forehand who has given to the City of Rockville more support than any delegate who has ever represented the City in Annapolis.

Councilman Freeland noted that the City is now building on the work done in 1974, by Mayor Hanna, when he was president of the Maryland Municipal League.

Re: Award of Contract: Bid No. 31-81
Landscaping and general construction
for parks

Bids were opened in the Council Chambers at City Hall on March 26, 1981, at 3:00 p.m. for landscaping and general construction of "5" parks in accordance with the Mayor and Council's approved park plans for all the projects. The bids were as follows:

<u>Company</u>	<u>Total Price</u>
Ray Sears & Son, Inc., Gambrills, Maryland	\$328,394.00
Davis Nurseries, Inc., Harrisburg, Pennsylvania	362,675.00
Oaklawn Development Corp., Hyattsville, Maryland	370,000.00
Darwin Construction, Bethesda, Maryland	372,620.00
Moore Golf, Inc., Culpeper, Virginia	384,369.00
MDG, Inc., Baltimore, Maryland	391,760.00
Paul E. Schlosser, Inc., Silver Spring, Maryland	392,697.00
Peak, Inc., Beltsville, Maryland	423,975.00
T.J. Company, Silver Spring, Maryland	426,241.00

The bid was to contract for Phase II development of Horizon Hill, Potomac Woods, Rockmead, and North Farm Parks including comprehensive landscaping and general construction. Also included in this bid is a new bike path and bridge linking the city bikeway system over Rock Creek into the Rock Creek regional bike trail system. All work included in this bid complies with all current park master plans and CIP projects previously approved by the Mayor and Council.

With one contractor developing the "5" projects, staff will be assured of continuity in construction methods, performance and inspection. The amount of staff time and inspection efforts required to coordinate and administer three separate contractors would create an inefficient situation which would consume any savings derived.

Staff recommends that Bid No. 31-81 be awarded to Ray Sears & Son, Inc. as the lowest qualified lump sum bidder in the amount of \$328,394 to do landscaping and general construction as per the specifications for "5" parks and that the Mayor and Council authorize the City Manager to expend an additional amount of funds not to exceed \$10,000 based on the following unit prices for additional landscaping provided by Ray Sears & Son, the low bidder.

1. Pinus Thunbergi	Japanese Black Pine	8'-9' each	\$170.00
2. Malus American Beauty #2821	American Beauty Crabapple	3½-4 cal. each	236.00
3. Cornus Florida	Flowering Dogwood	8'-10 ht. each	112.00
4. Pachysandra Terminalis	Pachysandra	2¼"p.p./100	140.00
5. Crownbetch	Seeding	per s/y	1.00

Councilwoman Fordham asked Mr. Olson if he is convinced the lump sum bid is the best course. Mr. Olson reassured the Mayor and Council for the reasons mentioned above. This is different from the purchase of equipment and products at the lowest cost being taken from several bidders. In dealing with a service, the continuity is more important.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Council approved the staff recommendation for awarding the contract to Sears in the amount of \$328,394 and authorizing the City Manager to expend the additional \$10,000 as requested.

Re: Introduction of Ordinance: To
Levy Assessment - Water and sewer
mains and laterals in Rockville
Estates Subdivision (Plats 12907
and 12908)

On motion of Councilman Abrams, there was introduced upon the table an ordinance to levy assesment for water and sewer mains and laterals in the Rockville

Estates Subdivison, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To
Levy Assessment - Water and sewer
mains and laterals in Orchard Ridge
(1A) subdivison - (Plat 12704)

On motion of Councilman Tyner, there was introduced upon the table an ordinance to levy assessment for water and sewer mains and laterals in the Orchard Ridge subdivision, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To
Levy Assessment - Water main in
Montgomery College Urban Renewal
Area (Plat 12647)

On motion of Councilman Freeland, there was introduced upon the table an ordinance to levy assessment for water main in the Montgomery College Urban Renewal Area, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To Levy
Assessments - Concrete sidewalk
in Congressional Lane, north side
Project No. 070122

On motion of Councilwoman Fordham, there was introduced upon the table, an ordinance to levy assessments for concrete sidewalk in Congressional Lane, north side, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To
Levy assessments - Driveway Aprons
various locations, Project No. 000812

On motion of Councilman Abrams, there was introduced upon the table an ordinance to levy assessments for driveway aprons for various locations, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To
propose public improvements and
set hearing date for construction of
sidewalk along south side of Maryland
Avenue, Fleet Street, to 40 feet west
of Argyle Street, Project No. 001621

On motion of Councilman Abrams, there was introduced upon the table an ordinance to propose public improvements and set hearing date for construction

of sidewalk along south side of Maryland Avenue, Fleet Street, to Argyle Street, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To Grant Text Amendment Application, T-42-80

On motion of Councilman Tyner, there was introduced upon the table an ordinance to grant text amendment application, T-42-80, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To Amend Chapter 14A of the Laws of Rockville to change the renewal date for Master Plumber's license.

On motion of Councilman Freeland, there was introduced upon the table an ordinance to change the renewal date for Master Plumber's license, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance: To Amend Chapter 14B of the Laws of Rockville to change the renewal date for Master Electrician's License

On motion of Councilwoman Fordham, there was introduced upon the table an ordinance to change the renewal date for Master Electrician's license, said ordinance to lay over at least one week before final action is taken.

Re: Approval of Actuarial Study of pension plan and examination of Blue Cross/Blue Shield health insurance

The Mayor and Council includes funds in the FY 1981 budget for an actuarial review of the pension program. Although the Hartford Insurance Company provides an annual actuarial valuation as part of its services as plan underwriter, it was felt that an independent review would be useful since alternative assumptions from those used by the Hartford actuaries could be tested and the results reviewed. The plan has not had an independent actuarial review since 1969 when it began. The objectives of the study would be (1) to ensure that the funding of the plan meets City objectives, and (2) to ensure that employees will receive the greatest possible benefit from their investment in the retirement system, and (3) to ensure that the City is receiving an adequate level of service from the underwriter.

The cost of this study is estimated at \$4,000 to \$5,000. A contract would be negotiated at a not-to-exceed price of \$5,000.

Edward H. Friend & Company is a consulting actuarial firm located in Washington, D.C. It is recommended on the basis of its outstanding professional reputation.

The Director of Finance is also proposing to use the same firm to examine the City's Blue Cross/Blue Shield health insurance program. The objectives of this study would be to (1) identify potential cost savings and cash flow improvements resulting from possible plan design and funding changes and (2) to set up a routine evaluation system so that such evaluations can be done by the City staff in the future. The tasks to be completed would be as follows:

1. Analyze plan provisions.
2. Analyze funding methods employed.
3. Review five years' experience with the existing carrier.
4. Identify known and hidden reserves held by the carrier and identify areas for negotiating the release or elimination of these reserves.
5. Present cost analysis, prepare routine reporting and audit format, and present conclusion from five-year experience analysis.
6. Recommend possible changes in the plan funding and structure.

This study would cost between \$3,000 and \$4,000. A contract would be negotiated with a not-to-exceed cost of \$4,000. The study would take about 6 weeks to complete.

Councilwoman Fordham said the study is probably a very good thing but there are no figures from other companies who might perform the service. She suggested postponement of a decision until other figures are provided to the Council. Mr. Lawton said there are two reasons that the staff feels that it is appropriate to look at only one firm. In the first place, it is a small study only amounting to \$9,000. To do an RFP is costly to put out, accept and evaluate. At the same time the study is difficult to define and open ended. The staff felt the prime criterion should be the firm's professional reputation. Councilwoman Fordham said she did not mean a bidding process. She does feel staff should talk to other firms to discuss prices. When spending this much money, it is always better to attempt to talk to more than one firm. Mr. Hobbs told the Council that there is more involved in the study than numbers and it would be in the City's best interest to go ahead with it. Mayor Hanna suggested that Mrs. Fordham should be accommodated and the staff should bring back additional

figures as soon as possible. Councilman Abrams suggested the staff not sacrifice quality for price. Councilman Tyner commented that it is important to him that the firm derives its incomes from fees for the service, it does not sell anything. Mayor Hanna noted that that is why it is such an excellent firm, it has no connection with any insurance companies. They simply examine actuarial assumptions made by insurance companies that underwrite claims.

The staff was instructed to bring the study back after talking to other firms.

Re: Citizen's Forum

Mayor Hanna opened the meeting to those citizens who wished to address the Mayor and Council.

1. Dennis Keene, Civic Improvement Advisory Commission Chairman. Mr. Keene told the Mayor and Council that the CIAC has become aware of the fact that there are approximately 160 outdoor public telephones in Rockville and 12 to 13 different telephone booth housings. If the Mayor and Council agree, the CIAC is willing to work with the C&P Telephone Company to bring uniformity to the outside public telephones. The Mayor and Council may wish to consider one stall in the Town Center and Historic District and another installed in other sections of the City. Mayor Hanna thanked Mr. Keene for the CIAC's work and said the Mayor and Council will send instructions back to the City Manager.

2. Ken Sullivan, 1988 Lancashire Drive. Mr. Sullivan brought to the Council's attention the Freeman construction project in Potomac Woods where numerous trees have been cleared. He asked if hydro-seeding could be done to eliminate the top soil from being washed away. He noted that he is chairman of the Alliance of Rockville Citizens Budget Review Committee and would like to secure from the City copies of the budget. Mayor Hanna asked the City Manager to look into the erosion problem and at the same time said copies of the budget will be available after tonight's presentation.

3. James Bernhardt. Mr. Bernhardt told the Council that the City's policy of open space and the set aside of green space in the City is extremely worthwhile. He spends a good deal of time walking and it is so nice to see the many areas that have been preserved in their natural beauty and the City should be commended for the type of work it has done on behalf of the citizens to provide them with this. In particular he mentioned Horizon Hill Park

4. Mansfield Kaseman, 704 Carter Road. Rev. Kaseman told the Mayor and Council that he comes this evening accompanied by the confirmation class of the Rockville United Church. Since confirmation also involves good citizenship, he

welcomes this opportunity to bring the young people here to see their elected officials in action.

5. Rev. Edison Amos, 1500 Baylor Avenue. Rev. Amos brought to the Council's attention the hazardous condition that exists at the Methodist Church's parking lot entrance on Jefferson Street, due to the high speed of vehicles from the traffic intersection at Montgomery and Falls Road. He said unless something is done, a serious accident could result. Mayor Hanna asked the Police Chief to monitor the situation there.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Public Hearing: Exploratory Application, PRU-16-81, Miller, Miller and Canby, Attorneys for Carter Family Development of 15.8533 acres at the intersection of West Ritchie Parkway and Hurley Avenue

The Mayor and Council conducted a public hearing on exploratory application, PRU-16-81, Miller, Miller and Canby, Attorneys for Carter Family, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed with the record to be held open for two weeks.

Re: Public Hearing: Street Closing and Abandonment Application, SCA-34-81, Montgomery County Government, Applicant requesting the abandonment of a portion of Maryland Avenue in front of the new Courthouse

The Mayor and Council conducted a public hearing on Street Closing and Abandonment Application, SCA-34-81, Montgomery County Government, Applicant, and heard those persons as will be found in the official stenographic transcript of the hearing. There being no other citizen wishing to be heard, the Mayor declared the hearing be closed with the record to be held open for one week.

Re: Presentation of proposed operating budget for Fiscal Year 1982

The City Manager presented to the Council the proposed operating budget for Fiscal Year 1982. In his presentation to the Council Mr. Blick gave the highlights of the budget which shows a reduction of \$.02 on the tax rate from \$.95 to \$.93, which is \$.01 lower than the State Certified Constant Yield Tax Rate. A proposed water rate of \$.90 per thousand gallons, a \$.04 or 4.6 percent increase over the

current rate of \$.86 per thousand gallons. There is reflected a \$.25 increase in the proposed sewer rate from a \$1.22 to \$1.47 per thousand gallons or a 21 percent increase. The FY 82 proposed refuse rate is \$10.33, a 16 percent increase over last year's rate of \$8.87. Of this increase, 9 percent is directly attributable to Montgomery County's increase in the landfill dump fee. Copies of the budget are available at City Hall. Public Hearings on the budget will be held on Monday, May 11 and Tuesday, May 12. Mr. Blick thanked all the department heads who cooperated to bring about this budget. He also thanked staff members Anna Lee Berman and Mary Stork for the hard work and time they gave to its production.

Re: Presentation of proposed six year
Capital Improvements Program

Mr. Blick presented the recommended Capital Improvement Capital Program for FY 82 to FY 87 and told the Council the next step is to refer this to the Planning Commission for review. A public hearing on the C.I.P. will also be held on May 11 and 12. He thanked the department heads who worked in the program's formulation and particularly thanked staff member Sally O'Donnell

Re: Decision and instruction to staff re
M-27-80 and M-28-80, Academy
Property

A public hearing on the Map Amendment Applications was held on Monday, March 9. M-27-80 deals with the Academy property owned by Edward L. Halpern who is seeking to extend the transitional zone, and, M-28-80, the second application, requests rezoning from R-90 to the O-2 transitional zone.

Councilwoman Fordham asked the Planning Director to address the Council concerning the parking requirements. Mr. Davis explained that the lot is sufficient to accommodate eleven (11) spaces for professional offices. If the building is to be converted to medical offices, more spaces would be required; however, before this can be done, a permit would have to be secured through the City's Planning Department. Mayor Hanna said he favors the rezoning and it would seem that the eleven (11) spaces would be adequate and address the concern of the neighborhood.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to approve applications, M-27-80 and M-28-80, taking into consideration the points that were brought forward by the neighborhood at the hearing concerning parking and screening.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Murray Warner, re increase in police coverage
2. HUD, re CDBG monitoring
3. Clarence Kettler, thank you letter

Mayor Hanna noted the nice tone of this letter.

4. Ms. M. Sturgeon, re apartment conversion
5. County Executive, re ban on phosphate detergent use

Councilman Abrams said the City is captive to activities or consequences of activities of the entire region and COG's Water Resources Board has asked the entire region to combine and ban phosphate detergent. Mayor Hanna suggested that the staff prepare a written report and place it on a future agenda for discussion.

6. State Division of Audits, re audit report
7. J.R. Collins, re Heritage Park Cooperative Board
8. RMSC Parents' Club, thank you for assistance
9. R. Williams, Rockville Chamber of Commerce, re legislative assistance
10. Congressman Barnes, re National Science Foundation budget reduction
11. E.M. Sullivan, re occupancy permits and home conversion

Re: Information Items

The Mayor and Council noted the following items of information:

1. Background paper on Washington Area Water Supply, 3/11/81
2. Copy of letter to Denham/Woodburn residents
Responses of residents to original Denham/Woodburn letters.
3. Memo from Director of Finance re General Ledger Supervisor
4. Notice of Granny Flats Forum

Mayor Hanna noted that a meeting will be coming up soon.

5. Status report on department activities from Community Resources
6. Kings Dominion Flyers
7. Memo from City Manager re Garage Lighting Project

The City Manager explained that this work will be done on both levels at one time to save money if the Council had no objection. The Council expressed no objection.

8. Copy of letter to CEBCO from New Mark Commons Attorney, Mr. Horowitz

9. Copy of letter to Maryland DOT re Montgomery Ave./Falls Rd. traffic problem

Councilwoman Fordham said she is concerned that Montgomery County will move into the building and there will be no plan brought forward. The City Manager explained that there are several reviews at different intervals due to what may be changing circumstances in the construction and occupancy of the building. After discussion, the Council agreed that a letter would be sent to the County's Chief Administrative officer telling him that the Mayor and Council feel a plan must be at hand prior to the issuance of an occupancy permit. Councilwoman Fordham asked that the letter be sent to the Council prior to its being sent.

10. Copy of letter to CEBCO from New Mark Commons Attorney, Mr. Horowitz
11. Community Resources Brochure
12. Memo from Director of Recreation and Parks re mural
13. Copy of letter to WMATA re Edmonston Bridge

Re: New Business

1. Councilman Abrams requested that testimony be prepared for presentation before the Board of Education on the closing of Broome. Earlier statements by the City should be repeated. Mayor Hanna pointed out that the City has no policy on the school closing but is anxious to support school closing for more efficient operation of schools in general. Councilman Abrams agreed and said that the City should be addressing the reuse of the school and the City's posture during the closing process. The Council agreed.

2. Councilman Tyner asked that work be done now on the sign ordinance since the municipal infractions law has been passed and the City can anticipate the governor's signing it.

3. Councilman Abrams asked if the City Manager would provide him additional information on tree trimming.

Re: Approval of Minutes

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 6-81, February 23, 1981, were approved as written.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the Minutes of Meeting No. 7-81, March 9, 1981, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 8-81, March 16, 1981, were approved as written.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 9-81, March 23, 1981, were approved as written.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for Executive Session to discuss litigation and personnel.

The hour being late, the Council continued the executive session until Tuesday evening at 6:00 p.m.

Re: Adjournment

There being no further business to come before the Council in Executive Session, the meeting was adjourned at 8:00 p.m. on Tuesday, April 14, 1981, to convene again on Monday, April 20, 1981, at the call of the Mayor.